

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TYRONE L. REED,

Plaintiff,

v.

ROBERT K. WONG, Warden, et al.,

Defendants.

No. C-11-4921 TEH (PR)

ORDER DENYING PLAINTIFF'S
MOTION TO ALTER OR AMEND
JUDGMENT, PLAINTIFF'S THIRD
REQUEST FOR APPOINTMENT OF
COUNSEL, AND GRANTING PLAINTIFF
AN EXTENSION OF TIME TO FILE
OPPOSITION

_____/ (Doc. ##22, 23)

Plaintiff has filed a motion to alter or amend the judgment pursuant to Fed. R. Civ. P. 59(e) (Doc. #22), and a third request for appointment of counsel (Doc. #23). Both motions are DENIED for the reasons set forth below.

Plaintiff's motion to alter or amend the judgment under Fed. R. Civ. P. 59(e) is DENIED AS MOOT. Doc. #22. Judgment has not yet been entered in this case.

Plaintiff's first request for appointment of counsel was filed on November 17, 2011. On January 26, 2012, the Court denied his request for lack of exceptional circumstances, see Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wilborn v. Escalderon,

1 789 F.2d 1328, 1331 (9th Cir. 1986). Plaintiff filed a second
2 request for appointment of counsel on February 21, 2012, which was
3 denied because no exceptional circumstances had developed since the
4 Court denied Plaintiff's first request for appointment of counsel.
5 Plaintiff's current, and third, request for appointment of counsel
6 is DENIED because of lack of exceptional circumstances. Doc. #23.
7 If the Court determines at a later time in the proceedings that
8 appointment of counsel is warranted, the Court will consider
9 appointment of counsel on its own motion, and seek volunteer counsel
10 to agree to represent Plaintiff pro bono.

11 Currently pending is Defendants' motion to revoke
12 Plaintiff's in forma pauperis status and to dismiss the case without
13 prejudice. Doc. #19. The Court has not yet ruled on Defendants'
14 motion. Pursuant to Local Rule 7-3(a), Plaintiff must file and
15 serve his opposition to Defendants' motion within fourteen days
16 after Defendants' motion was served and filed. See L.R. 7-3(a). In
17 the interests of justice, the Court grants Plaintiff an extension of
18 time to respond to Defendants' motion to revoke Plaintiff's in forma
19 pauperis status and to dismiss this case without prejudice.
20 Plaintiff must file his opposition to Defendants' motion by May 7,
21 2012.

22 IT IS SO ORDERED.

23
24 DATED

04/20/2012


THELTON E. HENDERSON
United States District Judge